

APPEAL NO. 041389
FILED JULY 21, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 13, 2004. The hearing officer determined that: (1) the appellant (claimant) reached maximum medical improvement on September 11, 2001, consistent with the parties' stipulation; and (2) the claimant has an impairment rating (IR) of 10%, as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The claimant appeals the hearing officer's IR determination on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has a 10% IR as certified by the Commission-appointed designated doctor. Section 408.125(e) provides that the Commission-selected designated doctor's IR certification is entitled to presumptive weight unless it is contrary to the great weight of the other medical evidence. We have said that the great weight of the other medical evidence requires more than a mere balancing or preponderance of the evidence (Texas Workers' Compensation Commission Appeal No. 93539, decided August 12, 1993), that no other doctor's report, including the treating doctor's report, is accorded this special presumptive status (Texas Workers' Compensation Commission Appeal No. 93932, decided November 29, 1993), that the designated doctor's report should not be rejected absent a substantial basis for doing so (Texas Workers' Compensation Commission Appeal No. 94075, decided February 28, 1994), and that whether the great weight of other medical evidence is contrary to the opinion of the designated doctor is a factual determination for the hearing officer (Texas Workers' Compensation Commission Appeal No. 93825, decided October 15, 1993). We view the report of the claimant's treating doctor as representing a difference in medical opinion, which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. Accordingly, we cannot conclude that the hearing officer's IR determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **THE CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS STREET, SUITE 1050
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge